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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1863—*R. T.* 3-39-11, *dated Bangalore, the 26th December* 1939.

In virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, Government propose to make the following draft amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, which is hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft, received on or before the 25th January 1940 will be considered by Government:—

Draft Amendment.

Add the following as Rule 12-B. to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively:—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

No. T. 1865—*R. T.* 3-39-9, *dated Bangalore, the 26th December* 1939.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act of 1928 to rule 21 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 and amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 20th January 1940, in respect of the said draft will be considered by Government :—

Draft Amendment.

Substitute the following for rule 21 (*a*) and (*b*) of the aforesaid rules :—

"21. (*a*) No driver or other person in charge of a public service motor vehicle shall permit any passenger to ride on the roof or the running board or on any side portion of the said vehicle; nor shall allow anything to be placed or carried upon the outside of the roof of a double decked public service vehicle.

(*b*) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or any thing extends—

(i) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;

(ii) to the front beyond the foremost part of the vehicle;

(iii) to the rear to a distance exceeding four feet beyond the rearmost part of the vehicle excluding any luggage carrier; and

(iv) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(*c*) Clause (iii) of sub-rule (*b*) shall not apply to a motor lorry when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body of a trailer being drawn by the motor vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed six feet; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter; and at night, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(*d*) The District Magistrate may by order in writing exempt any motor vehicle, for such a purpose, for such period and subject to such conditions as he may specify from any or all of the provisions of this rule.

No. T. 1876—*R. T.* 38-39-7, *dated Bangalore, the 2nd January* 1940.

In virtue of powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that a temporary toll-gate be established for a period of two months with effect from 15th January 1940 on the Kikkeri-Sravanabelagola Road within the limits of Kabbalu Village about four miles from Sravanabelagola in Chennarayapatna Taluk, Hassan District.

No. T. 1883—*R. T.* 7-38-47, *dated Bangalore*, 30*th December* 1939—3*rd January* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 12-B of the Mysore Motor Vehicles Rules 1924, as amended from time to time, the draft amendment in this behalf having already been published at page 541, Part IV of the *Mysore Gazette*, dated 9th November 1939:—

Amendment.

For Rule 12-B (ii) (a) of the aforesaid rules, substitute the following:—

"Surrender such certificate if available with him and the current tax license if one has been taken out and"

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

No. T. 1960—*R. T.* 20-39-40, *dated Bangalore, the 8th January* 1910.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to exempt the Sajjada of Baba Budhan Darga, Chikmagalur, from payment of toll in respect of the three double bullock-carts belonging to the Darga.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary to Government, Law Department.

No. 3569—*L. C., dated Bangalore, the 6th January* 1940.

In continuation of Notification No. 3364—L. C., dated 18th December 1939, publishing the Report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news, the following Note of Dissent by Mr. D. H. Chandrasekharaiya is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Legislative Council.

NOTE OF DISSENT.

The New Press and Newspapers Bill is said to have been introduced by the Government in response to a desire expressed several times by the representatives of the people for a change in the existing law contained in Act No. III of 1908. Under the provisions of this Law the Government are to be first approached for permission to edit, print and publish any newspaper or other printed work. They are vested with absolute authority either to

grant or refuse permission and also to withdraw the permission once granted. Further, whenever any person edits, prints or publishes any newspaper or other printed work without first obtaining permission or after the permission is withdrawn, he can be deported from the State and his Press confiscated. What is worse, the Government are not bound to assign reasons for any of their actions and their decisions are final.

As compared with the Law, which is declared with one voice to be too drastic, the proposed measure seems to be much safer in some respects: First, initial permission need not be obtained hereafter to edit, print or publish any newspaper or other printed work. Secondly, the nature of the offences for which the Government would take action will be clearly defined and made known. Thirdly, the decisions of the Government in certain matters can be contested in the highest Tribunal of the State. Lastly, the punishment by way of deportation will be substituted by the ordinary penal provisions.

I am aware that this new measure is met with severe opposition in certain quarters and especially at the hands of those following the profession of Journalism. Their main contention is that there is no necessity for any Press Law in Mysore. But this view does not, however, answer the obvious question whether a Law more definite in its scope and less arbitrary in its operation cannot at all be preferred to the existing one with all its hard features. It was my hope that the Journalists in the State would accept the measure as a lesser evil and offer practical suggestions to soften its rigour as much as possible. But unfortunately the representatives of the Press who appeared before the Select Committee declined to go beyond the mandate for having no Press Law of any kind.

I do not propose to answer the much-debated question whether any Press Law should exist at all in Mysore for the reason that it does not lie within the scope of the Select Committee's functions. Generally speaking, it would certainly be a very happy state of things to welcome when every one could live free as the air without the intervention of any Law. But taking human nature as it is and the conditions of human relationship existing around us, we cannot help accepting the rule of Law limiting our natural freedom and controlling our actions in various ways in the interest of that very freedom.

Referring to the freedom of the Press, which means the absence of arbitrary official restrictions upon 'the dissemination of news and comments upon news,' none can deny that it is a highly valued public right. But men of experience have urged the view that some measure of control over the Press is indispensable at least in emergencies so as to ensure the common weal. Hence, the real question is what kind of Press control should we have ?

I have taken some pains to study this aspect of the question and I find that the opinion is very sharply divided about it. Apart from the licensing system which is now in force, the other suggestions made in this behalf are (1) the application of Ordinary Law in normal times and the conference method in times of unusual stress, (2) the suspensible declaration method, and (3) the security method. It is not my present purpose to enter into a detailed discussion about the merits of these different methods. The proposed Bill involving the security method is no doubt modelled upon the British Indian Act. But the circumstances under which that Act came into existence and the results of its operation have not been quite encouraging. Besides, it does not seem to be fair to proceed with this controversial measure in the face of the adverse note of the Representative Assembly. I sincerely wish that it were possible to devise a method satisfactory to all parties and that even now action may be taken accordingly.

However, since it is not possible to know what the Government might do in the matter I desire to plead for incorporating at least the following changes in the proposed Bill :—

(1) Security need not be required by the Magistrate when the declaration is made before him for the first time by the keeper of a Press or the publisher of a Newspaper under Sections 4 or 5 as the case may be of the Press and Registration of Books Act, 1867. But when a second declaration is made by any of them after the first is annulled as a result of the noticing of the offences described in clause 4 (1), the Magistrate before whom the declaration is made may require security for reasons to be recorded in writing.

(2) The Government may order deposit of security by the keeper of a Press or the publisher of a Newspaper

under clauses 3 (3) and 7 (3) or the forfeiture of the security under clauses 4 and 8 only after issuing a show-cause notice to the persons concerned.

(3) The maximum amounts of security provided under the several clauses may be reduced to half the amounts proposed by the Select Committee and no minimum level need be compulsorily fixed.

(4) The High Court may be empowered to decide questions connected with all the orders relating to the demand or forfeiture of security.

I conclude this note in the earnest hope that my humble suggestions stated above will receive the kind consideration of all those interested in the liberty of the Press consistent with the practical necessities of the time.

D. H. CHANDRASEKHARAIYA.

No. G. 6291—P. H. 45-39-11, dated Bangalore, 10th January 1940.

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 annexed hereto, applicable to the Hassan Town Municipality. Any objections to this proposal, if made in writing and received on or before the 1st February 1940, will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Rules under the Mysore Prevention of Adulteration Act.

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

Section 3.—

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

Section 20 (b).—

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

Section 20 (c).—

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

Section 20 (d).—

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

Section 20 (e).—

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

Milk.—

Cow's Milk.—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

Buffalo Milk.—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

N. B.—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

Unspecified Milk.—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

Maximum limit for dirt in Milk.—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

Cream.—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

Butter.—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

Ghee.—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

Section 20 (f).—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

Section 20 (g).—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

Section 20 (h).—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing

or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

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